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*Attorney for Plaintiff Mark A. Meleason, P/R*

*Of the Estate of Marganne M. Allen, Dec'd.*

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

**MARK A. MELEASON** Personal  
Representative of the Estate of  
**MARGANNE M. ALLEN**, Deceased.

Case No.: 6:25-cv-00232-MTK

Plaintiff,

PLAINTIFF'S MOTION FOR PARTIAL  
VOLUNTARY DISMISSAL OF STATE  
DEFENDANTS

v.

**UNITED STATES OF AMERICA,  
SAMUEL TROY LANDIS, DRUG  
ENFORCEMENT ADMINISTRATION  
(DEA), SALEM POLICE DEPARTMENT,  
CITY OF SALEM, STATE OF OREGON,  
OREGON STATE POLICE and OREGON  
DEPARTMENT OF JUSTICE**

\_\_\_\_\_  
Defendants

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Swanson, Lathen, Prestwich, P.C.  
3040 Commercial St. SE Suite 200, Salem, OR 97302  
(503)581.2421

## **BACKGROUND**

Plaintiff filed the Complaint in this case on February 12, 2025. Defendants State of Oregon, Oregon State Police, and the Oregon Department of Justice (“State Defendants”) jointly moved to dismiss Plaintiff’s claims on March 14, 2025. The Motion to Dismiss was State Defendants’ initial appearance in the matter. State Defendants have not filed an answer or a motion for summary judgment.

### **PLAINTIFF’S MOTION FOR PARTIAL VOLUNTARY DISMISSAL OF STATE DEFENDANTS UNDER RULE 41 (a)(1)(A)(i) OF FRCP**

Considering the motion to dismiss filed by State Defendants and their arguments regarding 11<sup>th</sup> amendment state sovereign immunity, and without conceding their correctness regarding immunity or the sufficiency of pleading for the Oregon Department of Justice, Plaintiff hereby notifies State Defendants of his voluntary dismissal of his claims for monetary damages. Because State Defendants have not filed an answer or a motion for summary judgment, Plaintiff can voluntarily dismiss opposing parties. Fed. R. Civ. P. 41(a)(1)(A)(i). Plaintiff’s voluntary dismissal is a dismissal without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

Plaintiff maintains his claims against the United States of America, Samuel Troy Landis,

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the Drug Enforcement Administration, the Salem Police Department, and the City of Salem.

### **CONCLUSION**

Based on the foregoing, Plaintiff respectfully requests that the Court grant its Motion for Partial Voluntary Dismissal.

Dated this 26<sup>th</sup> day of March, 2025.

SWANSON, LATHEN, PRESTWICH, P.C.

By: /s/Brian N. Lathen  
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## CERTIFICATE OF SERVICE

I certify that on March 26, 2025, I served the foregoing PLAINTIFF'S MOTION FOR PARTIAL VOLUNTARY DISMISSAL upon the State Defendants by the method indicated below, and addressed to the following:

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